United Nations A/53/679

General Assembly

Distr.: General
18 November 1998

Original: English

Fifty-third session
Agenda items 46 (a) and 110 (b)

Fiftieth anniversary of the Universal Declaration of Human Rights

Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 18 November 1998 from the Permanent Representative of Egypt to the United Nations addressed to the President of the General Assembly

On behalf of the twenty-six delegations listed below, I have the honour to request that the attached declaration be circulated as a document of the fifty-third session of the General Assembly under agenda items 46 (a) and 110 (b):

Algeria, Bahrain, Benin, China, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Ethiopia, Iran (Islamic Republic of), Iraq, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Mauritania, Myanmar, Niger, Oman, Pakistan, Qatar, Singapore, Sudan, Syrian Arab Republic, United Arab Emirates and Viet Nam.

Egypt will be introducing the enclosed joint declaration on the occasion of the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

(*Signed*) Nabil **Elaraby**
Ambassador
Permanent Representative

98-35950 (E) 181198

Annex

Declaration submitted by twenty-six Member States on the occasion of the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms constitutes a great event that has long been awaited by the international community.

The text of the Declaration represents a compromise solution that has been carefully negotiated for more than 13 years. However, we believe that it is our duty, in order to ensure respect and consideration for the Declaration, to reiterate our understanding of some of its aspects and provisions. In that regard, we would like to stress the following:

1. The primary responsibility and duty to promote and protect all human rights and fundamental freedoms lie with the State. It is the responsibility of the State to ensure and create conditions conducive for individuals to enjoy their universally recognized human rights and fundamental freedoms. Only the State can adopt legal, legislative and administrative guarantees to ensure that all persons under its jurisdiction are able to enjoy all human rights and fundamental freedoms.

2. The exercise by individuals and groups of their rights and obligations in the field of human rights and fundamental freedoms derive from and is governed by, *inter alia*, the Charter of the United Nations and the universally recognized international human rights instruments. Therefore, the interpretation of this Declaration should be in conformity with the following:

(a) The Charter of the United Nations and the principles enshrined therein, in particular:

- respect for the sovereignty of States and their territorial integrity;
- non-interference in the internal affairs of States;

(b) The applicable instruments of human rights widely subscribed to by States, such as the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments;

(c) The rights and obligations stipulated in the Declaration should be exercised in full conformity with domestic law, which is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

3. Any interpretation contrary to the aforesaid or aiming to create rights and obligations not in conformity with the Charter of the United Nations or universally recognized international human rights instruments does not correspond to our understanding. Any interpretation that creates rights and obligations not provided for by domestic laws does not correspond to our understanding.

We refer to some examples, in that regard, below:

- Article 7 of the Declaration gives the right to individuals and groups to develop and discuss new human rights ideas and principles, and to advocate them. It is our understanding that this article refers only to ideas and principles in conformity with the Charter of the United Nations, universally recognized international human rights instruments and domestic law. The advocacy of new human rights ideas and principles should be done in conformity with domestic law and subject to the modalities provided therein, as provided for in article 3 of the Declaration;

- The recourse to international mechanisms by an individual or a group to lodge a complaint according to article 9, paragraph 4, of the Declaration is only possible if the concerned State is a party to the instrument and after the exhaustion of local remedies provided by domestic law. This principle of exhaustion of local remedies is a principle recognized by international law;

- The right to solicit, receive and utilize resources by individuals and groups to promote and protect human rights, as stated in article 13 of the Declaration, can be exercised only in conformity with domestic law of the State concerned.

4. Finally, in interpreting the provisions of the Declaration, various cultural, religious, economic and social backgrounds of societies must be taken into account.

These are the positions and explanations that we wanted to highlight and clarify concerning our interpretation of the Declaration we are adopting today. It is our hope that with this interpretation, the Declaration will contribute to a better enjoyment of human rights and fundamental freedoms by individuals and groups.